SALMON CREEK PROJECT EIS

1.0 INTRODUCTION / PURPOSE AND NEED FOR ACTION

1.1 INTRODUCTION

The Bonneville Power Administration (BPA) proposes provide some funding towards activities that would restore sufficient water flows to Salmon Creek and rehabilitate its streambed as necessary to provide adequate passage for summer steelhead (*Oncorhynchus mykiss*) and possibly spring chinook (*O. tshawytscha*). The Upper Columbia River steelhead Evolutionarily Significant Unit (ESU) is listed as endangered under the Endangered Species Act (ESA). While an Upper Columbia River spring chinook ESU has also been listed, the Okanogan River and its tributaries were not included as part of this ESU because spring chinook are considered to be extirpated (locally extinct) from this watershed.

Both steelhead and spring chinook are known to have historically occurred in Salmon Creek. However, habitat for these species in Salmon Creek was greatly affected in the early 1900s by the construction of two dams: Conconully Dam, constructed by the U.S. Bureau of Reclamation (BOR) on the upper reaches of Salmon Creek in 1910, and the Okanogan Irrigation District (OID) diversion dam on the lower reaches of Salmon Creek in 1916. Since these facilities were constructed, the lower 4.3 miles of Salmon Creek downstream from the OID diversion dam has been (and continues to be) typically dewatered under normal irrigation operations, except during high runoff years that result in uncontrolled spill at the reservoirs and diversion dam. In addition, channel geometry, streambank stability, and riparian and aquatic habitat values of the lower 4.3 miles of Salmon Creek have been adversely affected in the last 80 years by a variety of conditions, including altered streamflow regimes, adjacent land uses that have altered vegetation and sediment production, and direct manipulation of streambanks and riparian vegetation.

These conditions have significantly degraded the lower 4.3 miles of Salmon Creek and deposited substantial sediments at the mouth of the creek, which has largely precluded fish migration into Salmon Creek from the Okanogan River. Summer steelhead now rarely use Salmon Creek, although this species is occasionally observed in the creek during high water years, and WDFW has been stocking the creek with steelhead hatchery smolts for several years.

1.2 PURPOSE AND NEED FOR ACTION

1.2.1 UNDERLYING NEED FOR ACTION

The OID is the prime user of water in Salmon Creek for the irrigation of 5031 acres of agriculture land owned by its 617 members and has a keen interest in protecting its withdrawal water right in Salmon Creek. The District also recognizes that the listing of the Upper Columbia River ESU summer steelhead as endangered under the ESA by NOAA Fisheries created an obligation to comply with the ESA. The OID has a need to investigate opportunities to enhance

or restore summer steelhead runs while retaining and protecting its existing water rights to assure viable District operations. The Colville Confederated Tribe's (CCT) interest in pursuing restoration of anadromous fish runs in the Okanogan and Columbia Rivers has given rise to a unique opportunity for the CCT and OID to pursue a joint study of this project. A cooperative approach will help to avoid expensive litigation over ESA compliance.

BPA's need for action arises primarily from its statutory obligations. BPA is responsible for protecting and conserving listed threatened and endangered species under the ESA of 1973, as amended. By funding a project that would increase endangered summer steelhead use of Salmon Creek, the proposed project would assist BPA in fulfilling its responsibilities under the ESA.

The proposed action also is needed to allow BPA to meet its obligations under the Pacific Northwest Electric Power Planning and Conservation Act (Northwest Power Act). This Act places a responsibility on BPA to protect, mitigate, and enhance fish and wildlife affected by the development, operation, and management of Federal hydroelectric facilities on the Columbia River and its tributaries. Mitigating and enhancing anadromous fish populations and habitat are of particular importance. To accomplish this goal, the Northwest Power Act established the Northwest Power Planning Council, recently renamed the Northwest Power and Conservation Council (Council), and required the Council to develop and adopt a program for fish mitigation and enhancement. BPA is required to take this program and its recommended projects into account to the fullest extent practicable when exercising its responsibilities related to the hydroelectric system on the Columbia River and its tributaries. One of the projects recommended by the Council under its program is the Salmon Creek Project. The project was proposed to the Council by a partnership between the CCT and OID. BPA's funding of this project would assist BPA in meeting its need to take the Council's program into account to the fullest extent practicable.

In addition, the Northwest Power Act requires BPA to undertake its mitigation and enhancement responsibilities in a manner that provides "equitable treatment" for fish with the other purposes for which the system is operated. This obligation may coincide with, but is independent of, BPA's obligation to take the Council's program into account to the fullest extent practicable. Actions taken to increase instream flows and rehabilitate fish habitat in the lower reaches of Salmon Creek would allow the passage of summer steelhead and spring chinook and would increase the amount of spawning and rearing habitat available for use by species in the Okanogan River Basin. Thus, the project would assist BPA in fulfilling its equitable treatment mandate under the Northwest Power Act.

BPA recognizes that a trust responsibility derives from the historical relationship between the Federal government and the Tribes as expressed in Treaties, statutes, Executive Orders, and Federal Indian case law. BPA and the CCT will work cooperatively to arrive at an understanding of how the trust responsibility applies to the proposed actions.

BPA would not likely be the only source of funding for project activities. Funding would likely be needed from additional entities to implement any decision requiring multiple actions for the improvement of salmon habitat and access in the Salmon Creek basin.

1.2.2 PURPOSES

BPA has identified the following purposes (i.e., goals or objectives) for the proposed action:

- Provide adequate passage in Salmon Creek for summer steelhead.
- Protect the ability of the OID to provide water delivery to its users.
- Maximize efficiency in water use.
- Achieve administrative efficiency and cost-effectiveness.
- Avoid or minimize adverse environmental impacts.
- Achieve local community and landowner acceptance and support.

1.3 AGENCY ROLES AND DECISIONS TO BE MADE

1.3.1 BONNEVILLE POWER ADMINISTRATION (BPA)

Because BPA would be a primary potential funding source for portions of the proposed project, BPA is acting as the lead agency under the National Environmental Policy Act (NEPA) for this Environmental Impact Statement (EIS). Once the final EIS (FEIS) is completed, BPA must decide whether or not to fund activities related to the proposed project.

1.3.2 BUREAU OF RECLAMATION

The U.S. Department of the Interior, Bureau of Reclamation (BOR) constructed and owns all of the water storage facilities in the Salmon Creek watershed. BOR has the authority to undertake a feasibility study concerning water resource management opportunities in the Salmon Creek basin. BOR is not a lead agency under NEPA for this EIS, but it could make a decision and issue its own Record of Decision (ROD) based on the FEIS for the project. BOR may decide to fund a portion of this project. BOR therefore is acting as a cooperating agency under NEPA. BOR may adopt the analysis included in the FEIS in part or in whole, with or without modification or supplementation, to meet BOR's requirements for a feasibility study and associated NEPA compliance or for NEPA compliance on other activities carried out by BOR in the basin, such as modifications to the Salmon Lake Feeder Canal or upgrading OID's existing Shellrock pump station.

1.3.3 WASHINGTON DEPARTMENT OF ECOLOGY

The Washington State Department of Ecology (Ecology) is responsible for management of water rights within the State of Washington. If the need for a decision related to water rights results from the proposed project, Ecology would have to ensure that it meets the requirements of the Washington State Environmental Policy Act (SEPA). Either the OID or Ecology, acting as lead

agency for the project under SEPA, must make a threshold determination under SEPA guidelines prior to adoption of a plan to proceed with the project or to issue a permit to authorize it. This NEPA EIS could be adopted by the SEPA lead agency as part of the State's environmental review if it determines that the NEPA EIS satisfies all or part of its responsibilities to prepare an EIS or other environmental document.

1.3.4 COLVILLE CONFEDERATED TRIBES (CCT) AND OKANOGAN IRRIGATION DISTRICT (OID)

The CCT, in cooperation with the OID, are sponsoring this project proposal. The CCT and OID are acting as cooperating agencies under NEPA for the EIS. Both parties have contributed to the environmental analysis process and would be the primary organizations seeking funding to implement any decisions that are made. The OID would be the primary organization that would operate and maintain any new facilities integrated into the irrigation district infrastructure or implement any new actions affecting distribution of water within the district, but would not be responsible for any operations or maintenance costs over and above its current budget for pumping Okanogan River water associated with new facilities or actions.

1.4 SCOPING AND IDENTIFICATION OF ISSUES

NEPA procedures require public scoping for an EIS. Scoping refers to a time early in the NEPA process when the public can help define the scope and significance of issues that should be considered in an EIS. While there are distinct points during preparation of an EIS that require public notification and input, public involvement is an on-going process.

For this project, the public scoping process began with a Notice of Intent to prepare a NEPA EIS that was published in the Federal Register on February 4, 2002. The close of the comment period was March 8, 2002.

A mailing list was developed consisting of landowners within 300 feet of Salmon Creek, landowners around Conconully or Salmon Lake, as well as others who expressed interest in the project. Several hundred public notices were mailed in early February 2002 to the people and organizations on this mailing list. A fact sheet that described the proposed project and related actions was included in the public mailings.

Public and agency scoping meetings were held in Okanogan, Washington on February 21, 2002 and in Wenatchee, Washington on February 22, 2002. These were “open forum” meetings to encourage participation and dialogue with the attendees. BPA mailed letters to the public and agencies, including a project map, comment form, and reply card inviting them to attend these scoping meetings. Ads were placed in the Omak Chronicle on February 13 and 20, and Wenatchee World on February 13 and 17. The ad was also used as a flyer that was distributed to residents in Conconully. In addition, residents of Conconully were telephoned to inform them of the public meeting. Approximately 75 people attended the public scoping meeting on February 21, and 15-20 agency representatives attended the agency scoping meeting on February 22.

In addition to these scoping meetings, many informal meetings that included presentations and solicitation of issues and comments were held with local, state, and federal agencies, landowners, irrigators, and other members of the public. A Rehabilitation Oversight Committee (ROC) was established to further provide opportunities for members of the public and agency representatives to be involved in the design of the rehabilitation of the stream. Meetings were held with the ROC on April 18, 2001; January 14, 2002; and March 21, 2002. Additional meetings have been held throughout the process.

Comments from the public scoping meetings in Okanogan and Wenatchee were recorded on flip charts. BPA also provided forms on which comments could be written and sent to BPA. Public notices that were mailed and advertised in newspapers provided persons to contact, telephone numbers, e-mail addresses, and mailing addresses. BPA compiled all of these comments and entered them into a database that was used to fine-tune alternatives and focus the analysis of environmental effects.

The majority of the public comments were questions regarding water resources, impacts to the economy, and the need for the project. Some public comments were supportive, noting the potential for positive impacts to recreation and the economy if local labor pools are used to implement the project. Concerns were expressed with regard to the cost of the project and any increases in assessments for property owners and irrigators. Water rights and property rights were major concerns.

Agency scoping comments also included water rights, and technical questions regarding the design and the process. Agencies such as Ecology, Washington Dept. of Fish and Wildlife (WDFW) and the Environmental Protection Agency (EPA) provided comments toward the project.

The Northwest Power Planning and Conservation Council (Council) sponsored two separate reviews of the project through its advisory panels. The issues raised by the Independent Scientific Review Panel, in its most recent review of the Salmon Creek Project for the Council in March 2002, were also raised during scoping and are addressed in this draft EIS (DEIS). A review by the Independent Economic Advisory Board for the Council also made some recommendations. The issues and recommendations raised by these reviews include:

- Temperatures in the Okanogan River exceed 80 degrees at times, which is unsuitable for salmon.
- The project needs a monitoring and evaluation plan.
- Concerned about the total cost needed for a return of an unspecified number of fish.
- Restoration of this stream would take an extensive effort and considerable resources.
- Efforts may be better directed towards summer/fall chinook, sockeye, or the recently reintroduced coho salmon that appear to be less habitat limited.
- A permanent water bank would improve the cost effectiveness of the project.

- Increased water supplies and water saved through improved efficiency should not be used to increase the amount of irrigated acreage in the OID.

- Detailed operations plan for Salmon Creek storage facilities should be developed and approved by OID, CCT, and the Council. Salmon Creek operations should be clearly defined for years when supplies are insufficient, such as in drought years.